

REMARKS

The last Office Action of May 25, 2006 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-9 are pending in the application. No amendment to the claims and specification has been made. No fee is due.

Claims 1-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pall '650, of record (hereinafter "Pall") in view of U.S. Pat. No. 3,143,150 to Buchanan. It is again noted that the reference to Pall '650 in the Office Action is in error and should read Pall '796. This has been confirmed by the Examiner during a telephone conversation on November 28, 2005.

It is further noted for the record that the reference to "final action" on page 6, first paragraph was obviously made in error because the instant office action is in response to a proper "Request of Continued Examination" pursuant to 37 C.F.R. §1.114 and is entitled to a non-final office action, and box 2b has been checked in the Summary page of the office action, indicating the non-finality of the office action.

Applicant respectfully disagrees with the Examiner's rejection of claim 1 for the following reasons:

Applicant submits herewith a declaration pursuant to 37 C.F.R. §1.132 by an expert in the field of wire weaving, Mr. Walter Haver, to substantiate the unexpected results achieved by the wire cloth according to the present invention.

In the Office Action on page 4, third full paragraph, the Examiner readily acknowledged that the Pall reference lacks the claim limitation that "the weft yarn diameter be equal or greater than the shortest distance between adjacent warp yarns of the fabric.". In order to bridge the absence of this claim limitation, the Examiner refers to the Buchanan reference, and in particular to the paragraph bridging columns 5 and 6, which describes the control of the open area of the woven fabric "by controlling the size of the warp and weft threads and by the

number of weft threads in the fabric". It is applicant's contention that the Examiner fails to fully appreciate the present invention, as set forth in claim 1.

An essential feature of the present invention is the provision of weft wires that have a diameter equal or greater than a shortest distance between two neighboring warp wires so that the weft wires are constricted in the cross regions with the warp wires. As a result of this weaving pattern or constriction, the weft wire becomes, in fact, deformed in the area between the neighboring warp wires. Thus, claim 1 sets forth the relationship between the diameter of the wefts in relation to the spacing between the warps. The passage in Buchanan of concern here relates merely to the size or diameter of the warp and weft threads and the open area of the finished fabric. Reference is made in particular to col. 6, lines 5-8, which states that *"the full-twill weave [] is formed from warp threads which have a greater cross-sectional area than the weft threads."* While this is also the case in the present invention (cf. paragraph [0018], lines 1, 2 of the instant specification), the diameter relationship between warps and wefts is secondary, as far as the invention is concerned which teaches a relationship between the weft diameter and the spacing between the warps. As the §132 Declaration clearly shows, the teaching of the present invention goes against the expert's thinking, namely the configuration of the weft diameters as being equal to or greater than a shortest distance between two neighboring wefts. This lack of teaching is also evident by the illustration of Fig. 3 in Buchanan which fails to show a constriction of the weft wires.

The Examiner also noted on page 5, first full paragraph that *"the instant invention give no unexpected results from the specific weft dimension used based on the given warp spacing of the fabric"*. Applicant respectfully disagrees. Apart from the fact that the main thrust of the instant application is precisely this relationship between weft diameter and spacing between neighboring warps, the Examiner is referred, for example, to paragraph [0007] of the instant specification, where it reads as follows:

It has been surprisingly found that current weaving technology can be used to guide the weft wires through the interstices, even though they may initially appear to narrow. As the weft wires are constricted in the interstices, the filter fineness is comparable to conventional cloths despite the reduction in the number of weft wires per length unit. As a result, the material consumption is lowered and the output of the loom is increased.

This passage, for example, and the submitted §132 Declaration clearly demonstrate the benefits of the present invention.

For the reasons set forth above, it is applicant's contention that neither Pall nor Buchanan, nor a combination thereof teaches or suggests the features of the present invention, as recited in claim 1.

As for the rejection of the retained dependent claims, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant

would greatly appreciate such a telephone interview.

Respectfully submitted,

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